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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/347,753	07/06/1999	CHRISTIAN R. LEHEW	1880	4263

7590

06/03/2004

Law Offices of Albert S. Michalik, PLLC
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EXAMINER

NAJJAR, SALEH

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 06/03/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

24

Office Action Summary

Application No.

09/347,753

Applicant(s)

LEHEW ET AL.

Examiner

Saleh Najjar

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 20-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, and 20-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. This action is responsive to the Preliminary amendment filed on April 3, 2004. Claims 1, 3-5, 16-17, 22, and 25 were amended. Claim 19 was canceled. Claims 1-18, and 20-29 are pending examination. Claims 1-18, and 20-29 represent program product and apparatus for automatic and transparent synchronization of server side state information with a client application.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-18, and 20-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the function of accessing the web page at a server in response to the request from the client application, receiving the requested information from the web page and writing the information to the client storage. It is unclear how the requested information is written to the client storage since the client request has not completed.

It is also unclear which entity is performing the claimed step of providing the server with data corresponding to the information received from the web page written into the client storage.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

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Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CAR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-6, and 8-18, and 20-29 are rejected 35 U.S.C. 103(a) as being unpatentable over Gupta et al., U.S. Patent No. 6,226,752.

Gupta teaches the invention substantially as claimed including a method and apparatus for authenticating users and establishing sessions between a client and application server (see abstract).

As to claim 1, Gupta teaches computer-readable medium having computer-executable instructions, comprising:

at a browser hosted by a client application program, receiving a request from the client application program to access an web server, that may not be rendered for display to a user, the request providing information including a network location of that web server (see figs. 1-4; col. 11, lines 35-50; col. 14, lines 25-60, Gupta discloses that a client accesses a application server through a click on a icon presented on a applet application, Gupta further discloses that a web server may be accessed in place of the application server to provide the functionality to work with the login server);

accessing the login server page in response to the request from the client application program; receiving information from the login server page; writing the information to a client storage (see col. 11-12, Gupta discloses that a client is redirected from the web server if not authenticated by using URL redirection and forwarding a cookie identifier to store at the client for forwarding to a login server);

providing a server (login server) with data corresponding to the information received from the web server page written into the client storage, the data indicating to

the login server that the browser is being hosted by the client application (see col. 11-13, Gupta discloses that client identification information is redirected through the client to the login server for authenticating the client); and

receiving state information directed to the client application from the server based on the data having been provided to the web server (see col. 11-14, Gupta discloses that client session authentication information is sent to the client from the login server to be forwarded to the web server for validation).

Gupta does not explicitly teach the limitation of a "web page that may not be rendered for display to a user". Gupta does teach that a click on a icon found on an applet accesses the application server, the application server may be hidden from the client by initially routing the original request to a web server for initial interaction with a login server, the applet downloaded previously to the client as an application to access a particular application server (see col. 11, line 44).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gupta by specifying the login server as the web page that may not be rendered for display to a user since the same functionality of accessing state information from a server is achieved.

As to claim 2, Gupta teaches the computer-readable medium of claim 1 having further computer-executable instructions comprising invoking the browser from the client application (see col. 11, Gupta discloses that an applet application program is provided to the client to access a application server).

As to claim 3, Gupta teaches the computer-readable medium having computer executable instructions of claim 1 wherein accessing the hidden web page (application server) includes passing data to the web page (see col. 11-12, Gupta discloses that client session information in the form of a cookie is forwarded to the application server).

As to claim 4, Gupta teaches the computer-readable medium having computer executable instructions of claim 3 wherein the data passed to the web page includes time information indicative of a synchronization time with the server state information (see col. 11-14, Gupta teaches that time stamp information is embedded within the cookie at the client).

As to claim 5, Gupta teaches the computer-readable medium having computer executable instructions of claim 3 wherein receiving information from the web page includes receiving at least some of the data passed thereto (see col. 11-13, Gupta discloses that session information along with a redirection URL is forwarded to the client).

As to claim 6, Gupta teaches the computer-readable medium having computer executable instructions of claim 1 wherein receiving state information from the server includes receiving data maintained at the server for synchronizing with data of the client browser (see col. 10-13).

As to claim 8, Gupta teaches the computer-readable medium of claim 6 having further computer-executable instructions for synchronizing the state information with data of the client application program (browser) (see col. 10-13, Gupta discloses that session information is updated or validated and has an associated valid time window).

As to claim 9, Gupta teaches the computer-readable medium of claim 1 having further computer-executable instructions for linking the state information to data of the client application program (see col. 10-14).

As to claims 10-11, Gupta teaches the limitation wherein the state information is represented as an image tag identifying a source of the state information or identifying an image tag identifying a registered media type (see col. 11-13, Gupta discloses that the web page presented to the client may have a logout icon when the client has a valid ongoing session).

As to claim 12, Gupta teaches the computer-readable medium having computer executable instructions of claim 1 wherein receiving state information from the server includes receiving a cookie written into a client-side storage (see col. 11-13).

As to claim 13, Gupta teaches the computer-readable medium having computer executable instructions of claim 1 wherein providing a server with data includes providing the server with a time stamp of a synchronization time of server state information (see col. 11-13).

As to claim 14, Gupta teaches the computer-readable medium having computer executable instructions of claim 1 wherein providing a server with data includes providing the server with a client identifier (see col. 10-13)

As to claim 15, Gupta teaches computer-readable medium of claim 1 having further computer-executable instructions comprising providing authentication information to the server (see col. 10-13).

Claims 16-18, 20-29 do not teach or define any new limitations over claims 1-6, 8-15 and therefore are rejected for similar reasons.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta further in view of Moshfeghi, U.S. Patent No. 6,476,833 (referred to hereafter as Mosh).

As to claim 7, Gupta teaches the computer-readable medium having computer executable instructions of claim 6.

Gupta fails to teach the claimed limitation wherein the data maintained at the server is financial data. Gupta does disclose a method and system where the application server contains any number of applications (see col. 10-13).

However, Mosh teaches a method and system for controlling browser functionality in the context of an application accessing a banking data (see col. 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gupta in view of Mosh so that banking/financial institution is accessed for financial data. One would be motivated to do so since Gupta discloses a system where authentication and validation are important requirements for application server access).

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Ario Etienne*, can be reached on (703) 308-7562.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The central official fax number for the group is (703) 872-9306.

A handwritten signature in black ink, appearing to read 'Saleh Najjar', with a stylized, cursive script.

Saleh Najjar

Primary Examiner / Art Unit 2157